

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 4:06CR00055-02 JLH

ARIZONA LOGAN

DEFENDANT

ORDER

Arizona Logan has filed a motion making two requests. He first requests that the Court authorize funds for him to employ an expert to analyze the surveillance video regarding the bank robbery at issue because he believes that an expert could demonstrate that he did not use a weapon to cause injury to anyone. Secondly, he requests that the Court order the government to disclose the name of a person who administered a polygraph examination of him and to produce this person as a witness so that he can show that he in fact offered substantial assistance to the government to prove that the government should have filed a motion for downward departure on his behalf.

As to the first request, the Court does not believe that an expert trained in video analysis would be able to demonstrate anything from the video that would be helpful to the trier of fact. The trier of fact can review the video and see what it shows.

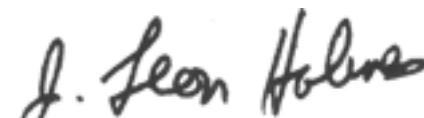
As to the second request, the government's decision not to make a motion for downward departure for substantial assistance is final. This Court has no authority to require the government to make such a motion, absent evidence that the refusal to make a motion was based on unconstitutional grounds or motivated by bad faith. *United States v. Wolf*, 270 F.3d 1188, 1190 (8th Cir. 2001). Logan has never alleged that the government's decision not to move for downward

departure was based upon any unconstitutional motives, or that it was motivated by bad faith. Therefore, any evidence as to Logan's performance on a polygraph test would be irrelevant.

The government has requested that the Court direct that the plea agreement entered under seal be provided to Logan's attorney, Danny W. Glover. If Glover does not already have a copy of that sealed plea agreement, the Clerk is directed to provide him with one.

For the reasons stated, Logan's motion is DENIED. Document #111.

IT IS SO ORDERED this 23rd day of February, 2010.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE